

REMARKS/ARGUMENTS

Claims 1, 7, 12 and 17 are amended. Claims 18-22 and 33-35 are canceled. Claims 23-32 are withdrawn as a result of an earlier restriction requirement. Claims 1-17 remain in the application.

Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and discussion below.

Claims 1, 7, 12 and 17 have been amended to recite that the first and second bottom chord members define a space between the first bottom chord member and the second bottom chord member. Support for this amendment can be found, for example, at page 8, lines 24-29; page 10, lines 14-19; and in FIG. 1 of the specification.

Claims 1-3, 5 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Frayne (5542227). Claims 7-8, 10, 12-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frayne in view of Ruppel (2201504).

Applicants submit that Frayne fails to show each and every element of the presently claimed invention and, therefore, the Frayne reference cannot anticipate claims 1 or 17 nor be used as a primary reference in view of Ruppel to render obvious claims 7 and 12.

Specifically, Applicants have amended claims 1, 7, 12 and 17 to recite that the first and second bottom chord members define a space between the first bottom chord member and the second bottom chord member. This feature is important in that there is no direct thermal path being created from the lowermost bottom chord to the web members and thus the top chords. The air space further serves as an insulator. This feature is not disclosed in Frayne. The Frayne structural members have an "I" beam cross-section including a web 22 securing two structural members. The Frayne truss thus has a direct thermal path between the top chords and the bottom chord. Frayne does not teach or suggest a space between two separate bottom chord members as presently claimed.

Since Frayne fails to show each and every element of the presently claimed invention, the reference cannot anticipate claims 1 and 17. Further, in view of the claim elements of the present invention missing from Frayne, Frayne cannot be used as a primary reference in view of Ruppel to render obvious claims 7 and 12.

The remaining claims of the present application all depend from claims 1, 7, 12 and 17. In addition to the distinguishing features recited in said claims and discussed above, the present invention has additional advantageous features defined in the claims depending from said claims, which further distinguish the present invention over the prior art.

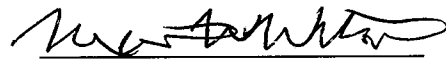
For the foregoing reasons, the Applicant respectfully submits that the metal truss claimed in the present application is not anticipated nor fairly taught or suggested by any of the references cited by the Examiner, either alone or in any reasonable combination suggested by the

prior art. Reconsideration and withdrawal of the rejections and allowance of claims 1-17 at an early date are respectfully requested.

If the Examiner has any questions about the present Amendment, a telephone interview is requested.

Respectfully submitted,

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